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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DULANEY, BENJAMIN O

ART UNIT PAPER NUMBER

2625

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,175

Applicant(s)

ADAM ET AL.

Examiner

Benjamin O. Dulaney

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant must define all variables in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1) Claims 1, 4, 5 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 6,320,668 by Kim.

Regarding claim 1, Kim teaches a method of producing compensation transforms comprising the steps of: generating a plurality of color reference patches (Column 11, lines 51-65); scanning said patches to produce scanned color space values (Column 12, lines 4-14); measuring said patches with an optical measuring device to produce

Art Unit: 2625

measured color space values (Column 12, lines 31-40); and creating a compensation table from said scanned color space values and said measured color space values (Column 14, lines 16-26).

Regarding claim 4, Kim teaches a method according to claim 1, wherein said color reference patches represents different combinations of inks (Column 11, lines 51-65; Figure 3).

Regarding claim 5, Kim teaches a method according to claim 1, further comprising the step of transforming a color value of a color patch based on the original ink values of said color patch (Column 11, line 52 – Column 12, line 30).

Regarding claim 7, Kim teaches a method according to claim 1, wherein said compensation transforms are a set of look up tables that map scanned uncompensated CIEL*a*b values to compensated CIEL*a*b values (Column 9, line 43 – Column 10, line 25).

Regarding claim 8, Kim teaches a method according to claim 1, wherein said compensation transforms are a set of look up tables that map scanned uncompensated CIEL*a*b values to compensated CIEL*a*b values for different combinations of ink values (Column 9, line 43 – Column 10, line 25; Column 11, lines 51-65; Figure 3).

Regarding claim 9, Kim teaches a method according to claim 1, further comprising the step of mapping scanned CIEL*a*b values to optically measured CIEL*a*b values by using a CIEL*a*b to CMY transform for said scanning (Column 28, lines 56-65) and a CMY to CIEL*a*b transform for said optical measuring device (Figure 3; Column 9, line 43 – Column 10, line 25).

Regarding claim 10, Kim teaches a method according to claim 1, wherein said compensation transforms are a set of look up tables constructed out of gamut CIEL*a*b values using the least squares algorithm with CIEL*a*b values in the tables that are in gamut (Column 21, lines 17-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,320,668 by Kim as applied to claim 1 above, and further in view of U.S. patent 6,281,984 by Decker et al.

Kim does not specifically teach a method according to claim 1, further comprising the step of interpolating between different levels of K.

Decker teaches a method according to claim 1, further comprising the step of interpolating between different levels of K (Column 9, lines 30-51).

Kim and Decker are combinable because they are both from the color correction field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kim with Decker to add interpolation between values of K. The motivation for doing so would have been to determine values "via an

Art Unit: 2625

interpolation program based upon input of all of the K values" (Column 9, line 48).

Therefore it would have been obvious to combine Kim and Decker to obtain the invention as specified by claim 3.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,320,668 by Kim as applied to claim 1 above, and further in view of U.S. patent 6,480,299 by Drakopoulos et al.

Regarding claim 6, Kim does not specifically teach a method according to claim 1, wherein said optical measuring device is a spectrophotometer.

Drakopoulos teaches a method according to claim 1, wherein said optical measuring device is a spectrophotometer (Column 13, lines 42-55).

Kim and Drakopoulos are combinable because they are both from the color correction field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kim with Drakopoulos to add a spectrophotometer. The motivation for doing so would have been "color patches are printed and then measured" (Column 13, line 52). Therefore it would have been obvious to combine Kim and Drakopoulos to obtain the invention as specified by claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin O. Dulaney whose telephone number is (571) 272-2874. The examiner can normally be reached on Monday - Friday (9am - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin O. Dulaney

Twyler Lamb
TWYLER LAMB
SUPERVISORY PATENT EXAMINER